



Report to the Legislature

Services to Persons with Disabilities who are Residents of Residential Habilitation Centers (RHC) who are able to be Cared for and Choose to live in Community Settings, Persons with Disabilities who are Without Residential Services and at Immediate Risk of Institutionalization, or are Children Aging Out of Other State Services, or are Community Based Waiver Clients Assessed as Having Immediate Need for Increased Services

Chapter 25, Laws of 2003, Section 205(1)(c) Uncodified

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EXECUTIVE SUMMARY

Chapter 25, Laws of 2003, Section 205(1)(c) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons moving into community settings through this section and the actual expenditures for all community services to support those residents. The proviso is intended to provide community residential and support services for a minimum of 43 clients including: 1) residents of Residential Habilitation Centers (RHC) who are able to be adequately cared for in community settings and who choose to live in those community settings; 2) clients without residential services who are in crisis or immediate risk of needing an institutional placement; 3) children who are aging out of other state services; and 4) current waiver clients who have been assessed as having an immediate need for residential services or increased support services.

BACKGROUND

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings: Through a process adopted by DDD to implement Olmstead during the 2001-2003 biennium, each individual living in an RHC, their guardian or close relative(s) will be asked annually whether they want to move to the community. If a person wants to move, the division will facilitate the move.

Children who are aging out of other state services: Children age out of DSHS Children's Administration (CA) services between the ages of 18 and 21. Children age out of DSHS Juvenile Rehabilitation Administration (JRA) services at age 18. Funding for their services through CA and JRA is specific to child serving administrations and dependent on these federal funding sources. The funds cannot accompany the child into DDD adult services.

Children enter CA services due to abuse and/or neglect in their family home and therefore are not able to be supported by their family. A number of the youth with developmental disabilities aging out of CA have medical or behavioral issues which cannot be adequately supported in Adult Family Homes, Adult Residential Care facilities or with Medicaid Personal Care. These youth require a more intensive level of support such as the DDD Supported Living Program.

Children enter JRA services due to criminal charges. A number of the youth with developmental disabilities aging out of JRA services have community protection issues including sexual offenses or violent crimes. They require 24-hour close supervision in order to maximize community safety. Families generally are not able to provide this level of support. They cannot reside in Adult Family Homes or Adult Residential Care facilities due to the risk they would present for other residents. These youth require supports at the level of a DDD 24-hour Community Protection program.

Clients without residential services who are in crisis or immediate risk of needing an institutional placement: Providing community services options to divert the need for institutionalization for persons with developmental disabilities is a long-term state and national trend. A number of DDD clients who are eligible for, and have the right to services in an ICF/MR experience a crisis due to the loss of, or lack of needed supports that places their health and safety at risk. This may occur when they lose a caregiver such as an elderly parent or a contracted community provider is no longer able to meet their significant

support needs. These persons are at risk of institutionalization without sufficient community supports to meet their health and safety needs.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services: A review of DDD's Cap waiver was conducted by the Center for Medicare Medicaid Services (CMS) July 2001 – January 2002. The CMS report from this review states in Recommendation #4: "Remove all provisions from existing laws, regulations, policies and procedures that support or encourage denying CAP waiver clients access to needed waiver services due to funding limitations. At the same time, laws and policies should be implemented recognizing the need to fully fund the waiver services CAP participants are assessed to need." In discussions that were held about Washington's applications for the current four new DDD Home and Community Based Waivers, federal officials in Baltimore separately asked for assurance that Washington will meet waiver participant needs. As the CMS required yearly Plans of Care are completed for waiver participants, clients are assessed as having unmet health and safety needs. It is imperative services be authorized in order to not jeopardize continued federal funding (FFP) for Washington State under the current four DDD HCBS waivers.

In this current proviso, the Legislature appropriated funds in the 2003-2005 biennium to serve 14 residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings, and clients without residential services who are at immediate risk of institutionalization or in crisis. In addition, the legislature appropriated funds in the Supplemental 2004 budget to provide community residential and support services for a minimum of twenty-nine (29) additional individuals and included children who are aging out of other state services and current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. These funds provided an average daily rate of \$300.00 per client/per day. Additional individuals can be served if the department is able to limit new client placement expenditures to 90 percent of the budgeted daily rate and provided the total projected carry-forward expenditures do not exceed the amounts estimated.

STATUS

The Division of Developmental Disabilities has placed ten (10) clients during the quarter April through June 2005. The total number of people being served under the proviso currently is forty-four (44) with an average daily rate of \$263.67 (See attached spreadsheet). Nine (9) people who moved from the RHCs to the community from March 2004 and after, and previously shown have been removed from this proviso report because the costs for their community placements are charged to funds DDD received for Fircrest Downsizing.

Following is a description of the needs of eight (8) persons served who meet the criteria of "clients without residential services who are in crisis or immediate risk of needing an institutional placement", and two (2) individuals who meet the criteria of "current waiver clients who have been assessed as having an immediate need for residential services or increased support services. These client descriptions are provided to offer information about this particular population.

Clients without residential services who are in crisis or immediate risk of needing an institutional placement:

Client # 35 is 50 year old man with a diagnosis of Mild MR, Schizophrenia, Urinary Incontinence and a history of Poly-Substance Abuse who had been living in a hotel in downtown Seattle. He was minimally supported by a mental health agency that specializes in transient and homeless populations but his basic health and safety needs were not being met. Recently, client # 35 began to have bowel movements on the

floor of his motel room, dropping lit cigarettes in the trash can and furniture. He has recently been diagnosed with an ulcer and possible long-term side effects of psychoactive medications making it difficult to eat and drink. Client # 35 has recently moved into a supported living program and has staff available to assist him in activities of daily living. He has begun to minimally participate in a day program and is getting help with his healthcare needs.

Client # 36 is a 22 year old man with a diagnosis of Severe MR, Autism, and PICA as well as multiple other medical problems who has been living in a trailer on his parent's property. Client # 36 frequently hoards food and other items, has mood swings, yells, screams, is resistive to care, disrobes in public and wanders. While conducting a recent CARE Assessment, DDD staff discovered that the parents were locking client # 36 in his trailer as they knew no other way to maintain his safety. During the CARE Assessment, the family also reported that they could no longer care for him. The situation was further complicated by the fact that the family resides on Lopez Island and they have had much difficulty in finding a care provider. Client # 36's parents initially requested an RHC placement however have now agreed to community supported living services. Client # 36 has recently moved into a supported living program where specially trained staff can work with him and he can receive day services, case management, and other services that will help to keep him safe.

Client # 38 is a nineteen year old man with a diagnosis of Moderate MR, Tuberous Sclerosis, Angio Fibroma, Seizure Disorder and Psychotic Disorder NOS who had been living with his family until he strangled his mother to the point of unconsciousness. He was admitted to a local psychiatric hospital as it was not safe for him to return home. In addition, client # 38's family did not want to take him home due to his increasing assaults and fear for the safety of other children in the home. Upon discharge from the hospital, funds from this proviso were used to support client # 38 in a supported living agency.

Client # 40 is a 23 year old woman with a diagnosis of severe MR, Seizure Disorder and Hypothyroidism who until recently resided with her mother. There is a long standing documented history of violence between client # 40 and her mother and recently, APS substantiated mental abuse toward client # 40 by her mother. MPC payment was terminated and client # 40's mother demanded that the client be immediately placed outside the home. Funds from this proviso were used to place client # 40 in structured residential program and assist client with her ADLs. In addition, the client will be receiving a day/employment program.

Client # 41 is an 18 year old man with a diagnosis of Mild MR, Generalized Anxiety Disorder, ADHD, Conduct Disorder and Fetal Alcohol Syndrome who had been receiving MPC services from his mother. Client has a history of legal charges including assault, lewd conduct, theft and Indecent Exposure. He has been adjudicated on at least 5 occasions of misdemeanor assault. As a result, client # 41 was placed in the community protection database. Funds from this proviso were used to place client # 31 in a Community Protection Program. In addition to residential services, client # 41 also receives specialized therapies provided by an SOTP and funding for vocational services.

Client # 42 is a 27 year old female with a diagnosis of Mild MR, Psychotic disorder NOS and Diabetes. Until recently, client # 42 received MPC services and lived with her brother who is also a client of DDD. The family has relied on the client's brother to provide supports to client # 41 but he is not capable of doing this. There has also been some suspicion of incest which has not been substantiated between client # 42 and her brother. In early January of this year, client # 42 was transported by ambulance to a hospital emergency room extremely hypoglycemic as a result of not taking her medication. While more MPC hours were authorized, this did not adequately meet the clients needs and funds from this proviso were used to fund community supported living placement where client # 42's health needs can be better supported.

Client # 43 is a 41 year old man with a diagnosis of Moderate MR living in a non-DDD funded ARC. Client # 43 was evicted from this program and it was recently discovered that he is a leveled sex offender. Client # 43 was placed in a DDD funded crisis diversion bed until a suitable community protection program could be developed. Funds from this proviso were used to place client # 43 in a community protection program. Client # 43 has been referred to a vocational program and receives specialized therapies for his community protection issues.

Client # 44 is a 19 year old female with a diagnosis of Mild MR, Organic Brain Syndrome, Oppositional Defiant Disorder, Tourette's syndrome, and Congenital Hydrocephalus with VP Shunt. Until recently, client # 44 was homeless. She has a history of violent outbursts against others, emotional liability, suicidal ideation and has had numerous admissions to local community psychiatric hospitals. Due to escalating violence against her mother, the client could not return home to live with her mother and was discharged from the hospital to the streets. Funds from this proviso were used to place client # 44 in a supported living program. Once client # 44 is more stable, she will be referred to DVR for employment support.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services:

Client # 37 is a 50 year old man with a diagnosis of Mild MR and Alcoholism who is currently being served in a DDD Certified Community Protection Program. Client # 37 was originally charged with 3rd degree molestation of a minor. In his most recent risk assessment, the SOTP found him to be at low risk to re-offend if he remains sober. With only minimal supported living services, he has been going to taverns and drinking alcohol. Over the past year he has been admitted on several occasions to the alcohol detoxification center and continues to drink alcohol. Funds from this proviso were used to provide an increase in supported living service hours so that client # 37 can have 24-hour per day supports in his current residential setting.

Client # 39 is a 26 year old female with a diagnosis of Mild MR, Depressive Disorder, Borderline Personality Disorder, Asthma and Seizure Disorder who had been residing in her own home with minimal supported living supports but was evicted due to her inappropriate behaviors. Client # 39 has a history of stealing, assault, and mood swings and had previously been charged with kidnapping a baby from a hospital neo-natal unit. Client # 39 has been reluctant to allow DDD funded supports in the past but is now agreeable to these supports. Funds from this proviso have been used to support client # 39 in a supported living program.

2003-2005
Proviso Tracking
Community Residential Supports
OUTPLACEMENT TOTALS
8th Quarter Totals

Community Residential & Supportive Housing				Type of Services				Expenditures	
#	Moved To	Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date
1	Region 3	07/01/03	730	\$ 239.28	\$ -	\$ -	\$ -	\$ 239.28	\$ 174,674.40
2	Region 3	07/01/03	730	\$ 200.00	\$ -	\$ -	\$ -	\$ 200.00	\$ 146,000.00
3	Region 4	07/26/03	705	\$ 149.01	\$ -	\$ -	\$ -	\$ 149.01	\$ 105,052.05
4	Region 3	08/01/03	695	\$ 158.66	\$ -	\$ -	\$ -	\$ 158.66	\$ 110,268.70
5	Region 3	08/18/03	682	\$ 242.46	\$ -	\$ -	\$ -	\$ 242.46	\$ 165,357.72
6	Region 4	08/21/03	679	\$ 280.00	\$ -	\$ -	\$ -	\$ 280.00	\$ 190,120.00
7	Region 4	10/29/03	610	\$ 260.28	\$ 23.89	\$ 11.84	\$ 1.06	\$ 297.07	\$ 181,212.70
8	Region 4	10/31/03	608	\$ 260.55	\$ 23.89	\$ 1.64	\$ 1.06	\$ 287.14	\$ 174,581.12
9	Region 5	12/03/03	575	\$ 266.00	\$ 20.00	\$ -	\$ 15.00	\$ 301.00	\$ 173,075.00
10	Region 6	01/14/04	533	\$ 371.44	\$ -	\$ -	\$ -	\$ 371.44	\$ 197,977.52
11	Region 4	02/02/04	514	\$ 255.25	\$ 23.89	\$ 2.53	\$ 1.06	\$ 282.73	\$ 145,323.22
12	Region 4	02/07/04	509	\$ 250.00	\$ -	\$ -	\$ -	\$ 250.00	\$ 127,250.00
13	Region 4	02/17/04	499	\$ 255.25	\$ 23.89	\$ 29.69	\$ 1.06	\$ 309.89	\$ 154,635.11
14	Region 4	03/01/04	487	\$ 272.16	\$ 23.89	\$ 3.95	\$ -	\$ 300.00	\$ 146,100.00
15	Region 4	04/05/04	452	\$ 229.51	\$ -	\$ -	\$ 14.80	\$ 244.31	\$ 110,428.12
16	Region 1	06/07/04	389	\$ 287.03	\$ -	\$ -	\$ -	\$ 287.03	\$ 111,654.67
17	Region 6	06/21/04	375	\$ 454.02	\$ -	\$ -	\$ 5.00	\$ 459.02	\$ 172,132.50
18	Region 1	07/06/04	359	\$ 317.46	\$ -	\$ -	\$ -	\$ 317.46	\$ 113,968.14
19	Region 3	08/23/04	312	\$ 287.53	\$ -	\$ -	\$ 12.00	\$ 299.53	\$ 93,453.36
20	Region 4	09/13/04	291	\$ 236.80	\$ 23.89	\$ -	\$ -	\$ 260.69	\$ 75,860.79
21	Region 6	09/13/04	291	\$ 148.12	\$ -	\$ -	\$ 5.00	\$ 153.12	\$ 44,557.92
22	Region 3	10/01/04	273	\$ 298.45	\$ -	\$ 20.00	\$ 10.00	\$ 328.45	\$ 89,666.85
23	Region 6	11/01/04	242	\$ 189.20	\$ -	\$ 20.00	\$ 10.00	\$ 219.20	\$ 53,046.40
24	Region 1	11/04/04	239	\$ 274.63	\$ -	\$ -	\$ -	\$ 274.63	\$ 65,636.57
25	Region 2	11/29/04	223	\$ 208.15	\$ -	\$ -	\$ -	\$ 208.15	\$ 46,417.45
26	Region 5	12/27/05	186	\$ 251.67	\$ 20.00	\$ 10.00	\$ 3.29	\$ 284.96	\$ 53,002.56
27	Region 1	01/01/05	181	\$ 227.84	\$ -	\$ -	\$ -	\$ 227.84	\$ 41,239.04
28	Region 6	01/11/05	171	\$ 512.76	\$ -	\$ -	\$ -	\$ 512.76	\$ 87,681.96
29	Region 4	01/15/05	167	\$ 165.46	\$ 23.89	\$ -	\$ -	\$ 189.35	\$ 31,621.45
30	Region 4	01/24/05	158	\$ 280.04	\$ 23.89	\$ 5.58	\$ 2.63	\$ 312.14	\$ 49,318.12
31	Region 2	2/1/2005	150	\$ 275.89	\$ 24.00	\$ -	\$ -	\$ 299.89	\$ 44,983.50
32	Region 3	02/14/05	137	\$ 209.68	\$ 18.08	\$ -	\$ 8.77	\$ 236.53	\$ 32,404.61
33	Region 5	03/15/05	108	\$ 265.00	\$ 20.00	\$ -	\$ -	\$ 285.00	\$ 30,780.00
34	Region 5	3/26/2005	97	\$ -	\$ -	\$ 115.36	\$ -	\$ 115.36	\$ 11,189.92
35	Region 4	4/14/2005	78	\$ 243.43	\$ 23.89	\$ -	\$ -	\$ 267.32	\$ 20,850.96
36	Region 3	4/13/2005	79	\$ 266.24	\$ 16.44	\$ -	\$ 10.52	\$ 293.20	\$ 23,162.80
37	Region 5	6/1/2005	30	\$ 52.50	\$ -	\$ -	\$ -	\$ 52.50	\$ 1,575.00
38	Region 4	6/4/2005	27	\$ 262.68	\$ -	\$ -	\$ -	\$ 262.68	\$ 7,092.36
39	Region 2	6/13/2005	18	\$ 229.46	\$ -	\$ -	\$ -	\$ 229.46	\$ 4,130.28
40	Region 6	6/15/2005	16	\$ 275.31	\$ 13.98	\$ 10.00	\$ -	\$ 299.29	\$ 4,788.64
41	Region 5	6/20/2005	10	\$ 255.80	\$ -	\$ 10.00	\$ 12.00	\$ 277.80	\$ 2,778.00
42	Region 4	6/27/2005	4	\$ 185.31	\$ 23.89	\$ -	\$ -	\$ 209.20	\$ 836.80
43	Region 1	6/27/2005	4	\$ 262.28	\$ 16.47	\$ -	\$ 10.00	\$ 288.75	\$ 1,155.00
44	Region 4	6/29/2005	2	\$ 237.02	\$ -	\$ -	\$ -	\$ 237.02	\$ 474.04
Average for Proviso								\$ 263.67	\$ 3,617,515.35

w/o residential & at risk of institutional placement
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